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| 09/757,901 | 01/10/2001 | Reiner Kraft | ARC9-2000-0048-US1 | 8326 |

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| EXAMINER | |
|---|---|
| LASTRA, DANIEL | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3622 | |

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/757,901 | KRAFT ET AL. | |
| | Examiner | Art Unit | |
| | DANIEL LASTRA | 3622 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *29 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *9,10,12-16 and 23-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9,10,12-16 and 23-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 9, 10, 12-16 and 23-30 have been examined. Application 09/757,901 (PERSONALIZED PROFILE BASED ADVERTISING SYSTEM AND METHOD WITH INTEGRATION OF PHYSICAL LOCATION USING GPS) has a filing date 01/10/01.

### *Response to Amendment*

2. In response to office action dated 07/29/04, the Applicant cancel claims 1-3, 5-8, 17-19, amended claims 9, 10, 12-16 and added new claims 23-30.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 10, 14-16, 23, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (U.S. 6,571,279) in view of Dowling et al (U.S. 6,522,875).

As per claim 9, Herz teaches:

A method for personalized profile based advertising associated with a network of hub processing units coupled to a plurality of *mobile* information processing units over the network, the method of personalized profile based advertising on *one of the* hub processing units comprising:

receiving location data and user profile data *from at least one mobile* information processing unit (see column 4, lines 36-48; column 1, lines 46-63), *wherein the location data includes at least two records for determining the velocity of movement of the mobile information processing unit* (see column 5, lines 50-67);

Herz fails to teach:

generating a personalized advertisement *which includes a map which is* based upon the location data as well as a user profile data associated with the *mobile* information processing unit, *wherein the map provides directional information dependent on the velocity of movement of the mobile information processing system to a sales location linked to the advertisement*; and forwarding the personalized advertisement to the *mobile* information processing unit for display. However, Dowling teaches "A geographical web browser has an added advantage of providing a new means for advertising locally available items such as products and services. The user interested in a certain product or service logs into a geographically controlled web site and configures the packet filter to display information related to a user's needs. In one example the mobile unit 105 enters a new city and the user is interested in finding a mall with a particular clothing store within. As the user drives along, a web page comes up and provides directions to the shopping mall and also optionally provides an inside map of the mall to include directions to the desired store. This form of advertising helps both the consumer and the storeowners. Similarly, if the mobile unit 105 is connected to a road-navigation site, new map pages may be periodically downloaded based upon the mobile unit 105's current position" (see column 14, line 58 – column 15, line 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Herz would use the users' geographic locations and the users' profile data to target advertisements to the users and as the users drive along, a web page would come up and provides directions to the advertise products that are displayed in the users' mobile terminals, as taught by Dowling. Providing users with driving directions to the geographic location of advertise products that are displayed in the users' mobile display terminals would increase the probability that the targeted advertisements would not go wasted.

As per claim 10, Herz and Dowling teach:

The method as defined in claim 9, wherein the *mobile* information processing units comprise *mobile* information processing units selected from a group of information processing units consisting of cellular phones, personal data assistants, car computer systems, wireless systems and personal communication devices (see Herz column 7, lines 5-6).

As per claim 14, Herz and Dowling teach:

A method for personalized profile based advertising associated with a network of hub processing units coupled to a plurality of *mobile* information processing units over the network, the method of personalized profile based advertising on a first hub processing unit comprising:

requesting location *data* and *user* profile *data* from *at least one mobile information processing unit, wherein the location data includes at least two records for determining a velocity of movement of the mobile information processing unit;*

determining if the location *data* indicate if *the mobile information processing unit* is within a sales location and

*in response to the mobile information processing system being within the sales location forwarding to the mobile information processing system for display thereon, an interior* map of the sales location and;

*which includes a personalized advertisement based upon the location data as well as user profile data associated with the mobile information processing unit, wherein the map provides directional information dependent on the velocity of movement of the mobile information processing system to a destination within the sales location linked to the advertisement.* The same rejection applied to claim 9 is applied to claim 14.

As per claim 15, Herz and Dowling teach:

The method as defined in claim 14, wherein *in response to the mobile information processing system being outside the sales location forwarding to the mobile information processing system for display thereon, a directional map to the sales location which includes a personalized advertisement based upon the location data as well as user profile data associated with the mobile information processing unit, wherein the map provides directional information dependent on the velocity of movement of the mobile information processing system to the sales location linked to the advertisement.* The same rejection applied to claim 9 is applied to claim 15.

As per claim 16, Herz and Dowling teach:

The method as defined in claim 14, wherein the *mobile* information processing units comprise information processing units selected from the group of information

processing units consisting of cellular phones, personal data assistants, car computer systems and personal communication devices (see Herz column 2, lines 53-55).

As per claim 23, Herz and Dowling teach:

A computer program product for providing personalized profile based advertising associated with a network of hub processing units coupled to a plurality of mobile information processing units over the network, the computer program product comprising:

a computer readable storage medium readable by a processing circuit and storing computer instructions for execution by the processing circuit for performing a method comprising:

receiving location data and user profile data from at least one mobile information processing unit, wherein the location data includes at least two records for determining a velocity of movement of the mobile information processing unit;

generating a personalized advertisement which includes a map which is based upon the location data as well as a user profile data associated with the mobile Information processing unit, wherein the map provides directional information dependent on the velocity of movement of the mobile information processing system to a sales location linked to the advertisement; and forwarding the personalized advertisement to the mobile information processing unit for display. The same rejection applied to claim 9 is applied to claim 23.

As per claim 24, Herz and Dowling teach:

The computer program product of claim 23, wherein the mobile information processing units comprise mobile information processing units selected from a group of information processing units consisting of cellular phones, personal data assistants, car computer systems, wireless systems and personal communication devices. The same rejection applied to claim 10 is applied to claim 24.

As per claim 27, Herz and Dowling teach:

A hub processing system for providing personalized profile based advertising associated with a network of hub processing units coupled to a plurality of mobile information processing units over the network, the hub processing system comprising:

means for receiving location data and user profile data from at least one mobile information processing unit, wherein the location data includes at least two records for determining a velocity of movement of the mobile information processing unit;

means for generating a personalized advertisement which includes a map which is based upon the location data as well as a user profile data associated with the mobile information processing unit, wherein the map provides directional information dependent on the velocity of movement of the mobile information processing system to a sales location linked to the advertisement; and

means for forwarding the personalized advertisement to the mobile information processing unit for display. The same rejection applied to claim 9 is applied to claim 27.

As per claim 28, Herz and Dowling teach:

The hub processing system of claim 27, wherein the mobile information processing units comprise mobile information processing units selected from a group of

information processing units consisting of cellular phones, personal data assistants, car computer systems, wireless systems and personal communication devices. The same rejection applied to claim 10 is applied to claim 28.

Claims 12, 13, 25, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (U.S. 6,571,279) in view of Dowling et al (U.S. 6,522,875) and further in view of Kelly et al (U.S. 6,498,987).

As per claim 12, Herz and Dowling teach:

The method as defined in claim 9, but fail to teach wherein the generating a personal advertisement further comprises: *adding at least part of the user profile data to the advertisement for display on the mobile information processing unit.* However, Kelly teaches a system that adds part of the user profile data to personal advertisements delivered to mobile users (see column 5, lines 60-65; column 10, lines 10-20; figure 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Herz and Dowling would add part of the user profile, such as the user's name, to the advertisements targeted to the user, as taught by Kelly. This feature would increase the probability that the advertisements targeted to a user would not go wasted, as the advertisements would include user's personalized information, which would increase the probability that the advertisements would grasp the attention of the user.

As per claim 13, Herz, Dowling and Kelly teach:

The method as defined in claim 12, wherein the adding of *at least part of user profile data for display on the mobile information processing unit includes adding profile*

data selected from a group of *profile* data consisting of a name, interests, age, background, education, hobbies and other personalized data relating to a user (see Kelly figure 5). The same rejection applied to claim 12 is applied to claim 13.

As per claim 25, Herz and Dowling teach

The computer program product of claim 23, but fails to teach wherein the generating the personal advertisement further comprises:

adding at least part of the user profile data to the advertisement for display on the mobile information processing unit. The same rejection applied to claim 12 is applied to claim 25.

As per claim 26, Herz, Dowling and Kelly teach:

The computer program product of claim 25, wherein the adding of at least part of user profile data for display on the mobile information processing unit includes adding profile data selected from a group of profile data consisting of a name, interests, age, background, education, hobbies and other personalized data relating to the user. The same rejection applied to claim 13 is applied to claim 26.

As per claim 29, Herz and Dowling teach:

The hub processing system of claim 27, but fails to teach wherein the means for generating the personal advertisement further comprises:

means for adding at least part of the user profile data to the advertisement for display on the mobile information processing unit. The same rejection applied to claim 12 is applied to claim 29.

As per claim 30, Herz, Dowling and Kelly teach:

The hub processing system of claim 29, wherein the means for adding of at least part of user profile data for display on the mobile information processing unit includes adding profile data selected from a group of profile data consisting of a name, interests, age, background, education, hobbies and other personalized data relating to the user. The same rejection applied to claim 13 is applied to claim 30.

***Response to Arguments***

4. Applicant's arguments with respect to claims 9, 10, 12-16 and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
January 1, 2005

RAQUEL ALVAREZ
PRIMARY EXAMINER

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